

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN ASIR THOMAS,

Defendant.

CASE NO. CR14-0096-JCC

ORDER

This matter comes before the Court on Defendant's motion to amend his presentence report (Dkt. No. 276). Having thoroughly considered the briefing and relevant record, the Court DENIES the motion for the reasons explained herein.

Defendant seeks an amendment of his presentence report ("PSR") striking paragraph sixteen. (*Id.* at 1.) That paragraph describes the results of a forensic analysis of Defendant's laptop and portions of his recorded conversations with a confidential informant. (Dkt. No. 196 at 6.) Those results include Defendant's alleged visits to child pornography websites and his discussions about sexual contact with children. (*Id.*) Defendant indicates that this paragraph has had a negative impact on his security classification within the Bureau of Prisons, is not supported by factual findings, and the Court already indicated that it would disregard the paragraph for sentencing purposes. (Dkt. No. 276 at 2.)

The Court previously heard argument from Defendant on this issue and denied

1 Defendant's request. (Dkt. No. 258 at 7–8.) Defendant provides no basis for the Court to
2 reconsider its ruling, particularly in light of the Court's lack of jurisdiction on this matter. *See*
3 *U.S. v. Catabran*, 884 F.2d 1288, 1289 (9th Cir. 1989) ("once the district court has imposed
4 sentence, the court lacks jurisdiction under Rule 32 to hear challenges to a presentence report").
5 Accordingly, Defendant's motion to amend his PSR (Dkt. No. 276) is DENIED.

6 DATED this 21st day of August 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE